IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 280 OF 2006

Lalasaheb Shamrao Narke. ...Applicant
(Orig.Applicant No.2)

V/s.

The State of Maharashtra. ...Respondent

Mr.Rahul Kulkarni for Applicant.
Ms.Rajeshree M.Gahdavi, APP for the State.

AND

CRIMINAL APPLICATION NO. 281 OF 2006

Prakash Shamrao Narke. ...Applicant
(Orig.Applicant No.1)

V/s.

The State of Maharashtra. ...Respondent

Mr.Rahul Kulkarni for Applicant.
Ms.S.U. Gajre, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 30, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. It is submitted that the applicants alongwith others killed the deceased and the alleged motive was that the deceased had an affair with the wife of the

applicant no.1. It is alleged that on number of occasions, the deceased was told by his relatives and others not to have a relation with the wife of applicant no.1. Inspite of that, deceased continued to have extra marital relations with her.

2. It is alleged that on the date of the incident, the applicants were seen chasing the deceased from their motor-cycle and the body of the deceased was found on the road and there was one bullet injury and other injuries on his person. It is alleged by the prosecution that one driving license of applicant no.2 and the belt alongwith bakkal of applicant no.1 were found on the scene of offence.

3. It is an admitted position that there is no direct evidence against the applicant. The circumstantial evidence is there on record at the best at this stage establishes the presence of the applicants on the scene of offence. The chargesheet has been filed in the present case. Though certain live cartridges were recovered at the instance of the applicant from the

residence that by itself cannot be a sole ground for coming to the conclusion that the applicant no.1 had fired the bullet. Taking into consideration the submissions made by both the sides, in my view, since the chargesheet has been filed and there is no direct evidence against the applicants, the applicants are entitled to be released on bail.

4. The applicants be released on bail in the sum of Rs.10,000/- each with one or two sureties in the like amount. The applicants shall report to Karveer Police Station once in a week. The applicants shall not tamper with the evidence or harass the witnesses. If any attempt is made by the applicants, the prosecution will have right to file an application for cancellation of bail.

. Both the applications are disposed in the above terms.

(V.M. KANADE, J.)